United Nations A/C.3/59/L.65

General Assembly

Distr.: Limited
4 November 2004

Original: English

Fifty-ninth session
Third Committee
Agenda item 105 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Cuba, Ecuador and El Salvador: draft resolution

Respect for the right to universal freedom of travel and the vital importance of family reunification

The General Assembly,

Recalling its resolution 57/227 of 18 December 2002,

Reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated,

Recalling the provisions of the Universal Declaration of Human Rights,[1] as well as article 12 of the International Covenant on Civil and Political Rights,[2]

Stressing that, as stated in the Programme of Action of the International Conference on Population and Development,[3] family reunification of documented migrants is an important factor in international migration and that remittances by documented migrants to their countries of origin often constitute a very important source of foreign exchange and are instrumental in improving the well-being of relatives left behind,

Noting that while some positive developments occurred during the past two years in the accomplishment of the objectives highlighted in General Assembly resolution 57/227, in particular the commitment made on 9 June 2004 at the summit meeting of the Group of Eight, held in Sea Island, Georgia, United States of America, to facilitate the flow of remittances across international borders to help families, in certain cases it has been reported that measures have been adopted that have increased the restrictions imposed on documented migrants in relation to

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

04-59348 (E) 081104

family reunification and the possibility of sending remittances to their relatives in the country of origin,

Recalling that the family is the basic unit of society and, as such, should be strengthened, and that it is entitled to receive comprehensive protection and support,

1. *Once again calls upon* all States to guarantee the universally recognized freedom of travel to all foreign nationals legally residing in their territory;

2. *Reaffirms* that all Governments, in particular those of receiving countries, must recognize the vital importance of family reunification and promote its incorporation into national legislation in order to ensure protection of the unity of families of documented migrants;

3. *Calls upon* all States to allow, in conformity with international legislation, the free flow of financial remittances by foreign nationals residing in their territory to their relatives in the country of origin;

4. *Also calls upon* all States to refrain from enacting, and to repeal if it already exists, legislation intended as a coercive measure that discriminates against individuals or groups of legal migrants by adversely affecting family reunification and the right to send financial remittances to relatives in the country of origin;

5. *Requests* the United Nations High Commissioner for Human Rights to request comments from Governments, intergovernmental and non-governmental organizations on the implementation of the present resolution and to submit a report on her findings for the consideration of the Assembly at its sixty-first session;

6. *Decides* to continue its consideration of this question at its sixty-first session under the item entitled "Human rights questions".